

**ASSEMBLY BILL**

**No. 1245**

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**Introduced by Assembly Members Martinez and Bordonaro**  
(Coauthor: Senator Rosenthal)

February 28, 1997

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An act to amend and repeal Section 3440 of, and to amend, repeal, and add Sections 3306 and 3354 of, the Business and Professions Code, relating to hearing aid dispensers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as introduced, Martinez. Hearing aid dispensers.

(1) Existing law provides procedures for the licensing of hearing aid dispensers by the Hearing Aid Dispensers Examining Committee. Existing law prescribes requirements for the issuance of these licenses. Among other things, an applicant is required to possess a high school diploma or its equivalent as a condition of licensure as a hearing aid dispenser.

This bill would require, instead, that the applicant possess a high school diploma or its equivalent, a baccalaureate degree or an audioprosthologist certification from the American Conference of Audioprosthology, or be a Board Certificated Hearing Instrument Specialist (BC-HIS) or its equivalent. The bill would also require the applicant to have worked under the immediate supervision of a hearing aid dispenser currently licensed in this state for a minimum of 120 clock hours prior to licensure. These requirements would become operative January 1, 1999.

(2) Existing law provides that the above-described provisions regulating hearing aid dispensers neither license nor prohibit the testing of hearing. However, existing law provides that these provisions apply when testing is conducted by licensed hearing aid dispensers in connection with the fitting and selling of hearing aids.

This bill would repeal this provision on January 1, 1999. The bill would make a conforming change that would become operative on January 1, 1999.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3306 of the Business and  
2 Professions Code is amended to read:

3 3306. (a) "Practice of fitting or selling hearing aids,"  
4 as used in this chapter, means those practices used for the  
5 purpose of selection and adaptation of hearing aids,  
6 including direct observation of the ear, testing of hearing  
7 in connection with the fitting and selling of hearing aids  
8 as provided in Section 3440, taking of ear mold  
9 impressions, fitting or sale of hearing aids, and any  
10 necessary postfitting counseling.

11 The practice of selling hearing aids does not include the  
12 act of concluding the transaction by a retail clerk.

13 When any audiometer or other equipment is used in  
14 the practice of fitting or selling hearing aids, it shall be  
15 kept properly calibrated and in good working condition,  
16 and the calibration of such audiometer or other  
17 equipment shall be checked at least annually.

18 (b) *This section shall remain in effect only until*  
19 *January 1, 1999, and as of that date is repealed, unless a*  
20 *later enacted statute, that is enacted before January 1,*  
21 *1999, deletes or extends that date.*

22 SEC. 2. Section 3306 is added to the Business and  
23 Professions Code, to read:

24 3306. (a) "Practice of fitting or selling hearing aids,"  
25 as used in this chapter, means those practices used for the  
26 purpose of selection and adaptation of hearing aids,

1 including direct observation of the ear, testing of hearing  
2 in connection with the fitting and selling of hearing aids,  
3 taking of ear mold impressions, fitting or sale of hearing  
4 aids, and any necessary postfitting counseling.

5 The practice of selling hearing aids does not include the  
6 act of concluding the transaction by a retail clerk.

7 When any audiometer or other equipment is used in  
8 the practice of fitting or selling hearing aids, it shall be  
9 kept properly calibrated and in good working condition,  
10 and the calibration of the audiometer or other equipment  
11 shall be checked at least annually.

12 (b) This section shall become operative on January 1,  
13 1999.

14 SEC. 3. Section 3354 of the Business and Professions  
15 Code is amended to read:

16 3354. (a) The committee shall issue a license to all  
17 applicants who have satisfied this chapter, who are at least  
18 18 years of age, who possess a high school diploma or its  
19 equivalent, who have not committed acts or crimes  
20 constituting grounds for denial of licensure under Section  
21 480, and who have paid the fees provided for in Section  
22 3456. No license shall be issued to any person other than  
23 an individual.

24 (b) *This section shall remain in effect only until*  
25 *January 1, 1999, and as of that date is repealed, unless a*  
26 *later enacted statute, that is enacted before January 1,*  
27 *1999, deletes or extends that date.*

28 SEC. 4. Section 3354 is added to the Business and  
29 Professions Code, to read:

30 3354. (a) The committee shall issue a license to any  
31 applicant who has satisfied this chapter and who meets  
32 the following requirements:

33 (1) Is at least 18 years of age.

34 (2) Possesses a high school diploma or its equivalent

35 (3) Possesses a baccalaureate degree or an  
36 audioprosthologist certification from the American  
37 Conference of Audioprosthology or is a Board Certified  
38 Hearing Instrument Specialist (BC-HIS) or its  
39 equivalent.

1 (4) Has worked under the immediate supervision of a  
2 hearing aid dispenser currently licensed in this state for  
3 a minimum of 120 clock hours prior to licensure.

4 (5) Has not committed acts or crimes constituting  
5 grounds for denial of licensure under Section 480.

6 (6) Has paid the fees provided for in Section 3456. No  
7 license shall be issued to any person other than an  
8 individual.

9 (b) This section shall become operative on January 1,  
10 1999.

11 SEC. 5. Section 3440 of the Business and Professions  
12 Code is amended to read:

13 3440. (a) This chapter neither licenses nor prohibits  
14 the testing of hearing. When tests are conducted by  
15 persons licensed under this chapter in connection with  
16 the fitting and selling of hearing aids, the provisions of this  
17 chapter shall apply.

18 (b) *This section shall remain in effect only until*  
19 *January 1, 1999, and as of that date is repealed, unless a*  
20 *later enacted statute, that is enacted before January 1,*  
21 *1999, deletes or extends that date.*

